

ESTTA Tracking number: **ESTTA382531**

Filing date: **12/08/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	American Council on Exercise
Granted to Date of previous extension	12/08/2010
Address	4851 Paramount Drive San Diego, CA 92123 UNITED STATES

Attorney information	Mark I. Reichenthal Branfman Law Group, P.C. 708 Civic Center Drive San Diego, CA 92054 UNITED STATES markr@branfman.com Phone:760-637-2400
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Applicant Information

Application No	85035659	Publication date	08/10/2010
Opposition Filing Date	12/08/2010	Opposition Period Ends	12/08/2010
Applicant	ASICS Corporation 1-1, Minatojima-Nakamachi 7-Chome Chuo-ku, KOBE, 650-8555 JAPAN		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Footwear

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1884858	Application Date	03/08/1993
Registration Date	03/21/1995	Foreign Priority Date	NONE
Word Mark	ACE AMERICAN COUNCIL ON EXERCISE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 1991/05/01 First Use In Commerce: 1991/05/01 physical fitness training manuals and printed certification materials Class 025. First use: First Use: 1991/05/01 First Use In Commerce: 1991/05/01 clothing; namely, T-shirts, shorts, sweatshirts, and cover-ups Class 041. First use: First Use: 1991/05/01 First Use In Commerce: 1991/05/01 conducting training and testing services in the field of physical fitness

U.S. Registration No.	1898868	Application Date	06/02/1993
Registration Date	06/13/1995	Foreign Priority Date	NONE
Word Mark	ACE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1991/04/05 First Use In Commerce: 1991/04/05 physical fitness training manuals and printed exam materials pertaining to physical fitness; namely, combined informational brochures and applications for exams and sample test questions Class 041. First use: First Use: 1991/07/15 First Use In Commerce: 1991/07/15 educational services, namely providing training such as classes and seminars in the field of physical fitness		

U.S. Registration No.	3358311	Application Date	07/07/2003
Registration Date	12/25/2007	Foreign Priority Date	NONE
Word Mark	ACE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1991/05/01 First Use In Commerce: 1991/05/01 Clothing, namely, T-shirts, polo shirts, tank tops, sweat shirts, sweat pants, shorts, jackets, cover-ups and head wear

U.S. Registration No.	3089060	Application Date	07/07/2003
Registration Date	05/09/2006	Foreign Priority Date	NONE

Word Mark	ACE AMERICAN COUNCIL ON EXERCISE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 009. First use: First Use: 2001/10/01 First Use In Commerce: 2001/10/01 Pre-recorded audio cassettes and video cassettes in the field of health and fitness</p> <p>Class 016. First use: First Use: 2001/10/01 First Use In Commerce: 2001/10/01 Printed matter, namely, training manuals, combined informational brochures, loose leaf magazines, exam materials, applications for exams, and sample test questions in the field of health and fitness</p> <p>Class 025. First use: First Use: 2001/10/01 First Use In Commerce: 2001/10/01 Clothing, namely, t-shirts, polo shirts, tank tops, sweat shirts, sweat pants, shorts, jackets, cover-ups and head wear</p> <p>Class 028. First use: First Use: 2001/10/01 First Use In Commerce: 2001/10/01 Sporting goods, namely, exercise stability balls</p> <p>Class 035. First use: First Use: 2001/10/01 First Use In Commerce: 2001/10/01 Providing on-line information in the area of health and fitness, namely, employment placement, job listings, resume posting, recruiting, and career networking services via a global computer network; providing on-line directory information in the area of health and fitness, namely, on-line listings for health</p>
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	clubs and fitness professionals Class 041. First use: First Use: 2001/10/01 First Use In Commerce: 2001/10/01 Educational services, namely, providing training services, classes, seminars, testing and on-line information and news in the field of health and fitness Class 042. First use: First Use: 2001/10/01 First Use In Commerce: 2001/10/01 Scientific services, namely, research in the field of health and fitness
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U.S. Registration No.	3190832	Application Date	07/07/2003
Registration Date	01/02/2007	Foreign Priority Date	NONE

Word Mark	ACE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 009. First use: First Use: 1996/09/05 First Use In Commerce: 1996/09/05 Pre-recorded audio cassettes and video cassettes in the field of health and fitness Class 016. First use: First Use: 1991/04/05 First Use In Commerce: 1991/04/05 Printed matter, namely, loose leaf magazines in the field of health and fitness Class 028. First use: First Use: 2001/10/01 First Use In Commerce: 2001/10/01 Sporting goods, namely, exercise stability balls Class 035. First use: First Use: 2001/07/01 First Use In Commerce: 2001/07/01 Providing on-line information in the area of health and fitness, namely, employment placement, job listings, resume posting, recruiting, and career networking services via a global computer network; providing on-line directory information in the area of health and fitness, namely, on-line listings for health clubs and fitness professionals Class 042. First use: First Use: 2001/05/31 First Use In Commerce: 2001/05/31 Scientific services, namely, research in the field of health and fitness
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U.S. Registration No.	3244688	Application Date	07/12/2006
Registration Date	05/22/2007	Foreign Priority Date	NONE

Word Mark	ACE
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Design Mark	
Description of Mark	The mark consists of the letters A, C, and E blended together with the "A" in blue, the "C" in white and the "E" in red.
Goods/Services	<p>Class 009. First use: First Use: 2001/10/01 First Use In Commerce: 2001/10/01 Pre-recorded CDs and DVDs in the field of health and fitness</p> <p>Class 016. First use: First Use: 2001/10/01 First Use In Commerce: 2001/10/01 Printed matter, namely training manuals, combined informational brochures, loose leaf magazines, exam materials, applications for exams, and sample test questions in the field of health and fitness</p> <p>Class 025. First use: First Use: 2001/10/01 First Use In Commerce: 2001/10/01 Clothing namely, t-shirts, polo shirts, tank tops, sweat shirts, sweat pants, shorts, jackets, cover-ups and headwear</p> <p>Class 035. First use: First Use: 2001/10/01 First Use In Commerce: 2001/10/01 Providing on-line information in the area of health and fitness, namely, employment placement, job listings, resume posting, recruiting and career networking services via global computer network; providing on-line directory information in the area of health and fitness, namely, on-line listings for health clubs and fitness professionals</p> <p>Class 041. First use: First Use: 2001/10/01 First Use In Commerce: 2001/10/01 Educational services, namely providing training services, classes, seminars, testing and on-line information and news in the field of health and fitness</p> <p>Class 042. First use: First Use: 2001/10/01 First Use In Commerce: 2001/10/01 Scientific services, namely research in the field of health and fitness</p>

Attachments	<p>74365488#TMSN.gif (1 page)(bytes) 76530125#TMSN.gif (1 page)(bytes) 76530144#TMSN.gif (1 page)(bytes) 76978319#TMSN.gif (1 page)(bytes) 78928195#TMSN.jpeg (1 page)(bytes) 20101208104358927.pdf (26 pages)(1026839 bytes)</p>
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Mark I. Reichenthal/
Name	Mark I. Reichenthal
Date	12/08/2010

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

In the matter of trademark application Serial No. 85/035,659
Published in the Official Gazette (Trademarks) on August 10, 2010
Mark: "GEL-ACE" (words only)

AMERICAN COUNCIL ON EXERCISE)	
)	
Opposer,)	
)	
vs.)	Opposition No. _____
)	
ASICS CORPORATION)	
)	
Applicant.)	
_____)	

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

AMERICAN COUNCIL ON EXERCISE (hereinafter "the Opposer") believes that it will be damaged by the above-referenced application by ASICS CORPORATION (hereinafter "the Applicant") of the above-identified mark (GEL-ACE) and hereby opposes the same.

As grounds of opposition, it is alleged that:

1. The Applicant seeks to register GEL-ACE as a trademark for "footwear" in International Class 025, as is evidenced by the publication of said mark in the August 10, 2010 issue of the Official Gazette.
2. Opposer has used the marks ACE and ACE AMERICAN COUNCIL ON EXERCISE since at least as early as May 1, 1991, and has used the marks ACE and ACE AMERICAN COUNCIL

ON EXERCISE in interstate commerce since at least as early as May 1, 1991 on or in connection with a wide variety of goods and services well before Applicant filed its Trademark Application on May 11, 2010.

3. Opposer is the owner and relies on U.S. Trademark Registration No. 1,884,858 (See Exhibit A) for the mark ACE AMERICAN COUNCIL ON EXERCISE (words plus design) for “physical fitness training manuals and printed certification materials” in International Class 016 and “clothing; namely, t-shirts, shorts, sweatshirts, and cover-ups” in International Class 025 and “conducting training and testing services in the field of physical fitness” in International Class 041 which was registered as a trademark with the U. S. Patent and Trademark Office on March 21, 1995 and this registration has since achieved incontestable status under 15 U.S.C. Sec. 1065.

4. Opposer is the owner and relies on U.S. Trademark Registration No. 1,898,868 (See Exhibit B) for the mark ACE (words only) for “physical fitness training manuals and printed exam materials pertaining to physical fitness; namely, combined informational brochures and applications for exams and sample test questions,” in International Class 016 and “educational services, namely providing training such as classes and seminars in the field of physical fitness” in International Class 041 which was registered on June 13, 1995 and this registration has since achieved incontestable status under 15 U.S.C Sec 1065.

5. Opposer is the owner and relies on U.S. Trademark Registration No. 3,358,311 (See Exhibit C) for the mark ACE (words only) for “Clothing, namely, T-shirts, polo shirts, tank tops, sweat shirts, sweat pants, shorts, jackets, cover-ups and head wear” in International Class 025 which was registered on December 25, 2007.

6 Opposer is the owner and relies on U.S. Trademark Registration No. 3,089,060 (See Exhibit D) for the mark ACE (words plus design) for “pre-recorded audio cassettes and video cassettes in

the field of health and fitness” in International Class 009 and “printed matter, namely, training manuals, combined informational brochures, loose leaf magazines, exam materials, applications for exams, and sample test questions in the field of health and fitness” in International Class 016 and “clothing, namely, t-shirts, polo shirts, tank tops, sweat shirts, sweat pants, shorts, jackets, cover-ups and head wear” in International Class 025 and “sporting goods, namely, exercise stability balls” in International Class 028 and “providing on-line information in the area of health and fitness, namely, employment placement, job listings, resume posting, recruiting, and career networking services via a global computer network; providing on-line directory information in the area of health and fitness, namely, on-line listings for health clubs and fitness professionals” in International Class 035 and “educational services, namely, providing training services, classes, seminars, testing and on-line information and news in the field of health and fitness” in International Class 041 and “scientific services, namely, research in the field of health and fitness” in International Class 042 which was registered on May 9, 2006.

7. Opposer is the owner and relies on U.S. Trademark Registration No. 3,190,832 (See Exhibit E) for the mark ACE (words only) for “pre-recorded audio cassettes and video cassettes in the field of health and fitness” in International Class 009 (date of first use 09/05/1996) and “printed matter, namely, loose leaf magazine in the field of health and fitness” in International Class 016 (date of first use 04/05/1991) and “sporting goods, namely, exercise stability balls” in International Class 028 (date of first use 10/01/2001) and “providing on-line information in the area of health and fitness, namely, employment placement, job listing, resume posting, recruiting, career networking services via global computer network; providing on-line directory information in the area of health and fitness, namely, on-line listing for health clubs and fitness professionals” in International Class 035 (date of first use 07/01/2001) and “scientific services, namely, research in the field of health

and fitness” in International Class 042 (date of first use 05/31/2001) which was registered on January 2, 2007.

8. Opposer is the owner and relies on U.S. Trademark Registration No. 3,244,688 (See Exhibit F) for the mark ACE (words plus design) for “pre-recorded CDs and DVDs in the field of health and fitness” in International Class 009 and “printed matter, namely training manuals, combined informational brochures, loose leaf magazines, exam materials, applications for exams, and sample test questions in the field of health and fitness” in International Class 016 and “clothing namely, t-shirts, polo shirts, tank tops, sweat shirts, sweat pants, shorts, jackets, cover-ups and headwear” in International Class 025 and “providing on-line information in the area of health and fitness, namely, employment placement, job listings, resume posting, recruiting and career networking services via global computer network; providing on-line directory information in the area of health and fitness, namely, on-line listings for health clubs and fitness professionals” in International Class 035 and “educational services, namely providing training services, classes, seminars, testing and on-line information and news in the field of health and fitness” in International Class 041 and “scientific services, namely research in the field of health and fitness” in International Class 042 which was registered on May 22, 2007.

9. There is no issue of priority. Applicant has not yet claimed a date of first use of the mark as Applicant’s Application was filed on an Intent to Use filing basis. Opposer’s date of first use is at least as early as May 1, 1991, and Opposer’s date of first use in interstate commerce is at least as early as May 1, 1991. Opposer’s use of the ACE and ACE AMERICAN COUNCIL ON EXERCISE marks has not been abandoned and the Registrations cited in Paragraphs 3, 4, 5, 6, 7 and 8 are valid and subsisting.

10. Opposer’s valid, continuous and diverse use of the marks ACE and ACE AMERICAN

COUNCIL ON EXERCISE has developed exceedingly valuable goodwill and recognition in respect to the marks ACE and ACE AMERICAN COUNCIL ON EXERCISE.

11. By virtue of its efforts and the expenditure of considerable sums for promotional materials and advertisements and the quality of its goods and services, Opposer has gained a valuable reputation for the marks ACE and ACE AMERICAN COUNCIL ON EXERCISE and these marks have acquired great value as an identification of Opposer's goods and services and the marks distinguish such goods and services from the goods and services of others.

12. If Applicant is permitted to use and register its mark as specified in the application herein opposed, confusion is likely to result because of the use of the identical term "ACE" in Applicant's mark and Opposer's mark. Therefore, it is very likely that persons familiar with Opposer's mark would assume that Applicant was associated with Opposer and any such confusion would inevitably result in damage to Opposer. Furthermore, any objection or fault found with Applicant's goods would necessarily reflect upon and seriously injure the reputation that Opposer has established under its marks. Thus, if Applicant is allowed to use and register ACE the resulting confusion and assumed affiliation will be damaging to the Opposer's established goodwill under the marks ACE and ACE AMERICAN COUNCIL ON EXERCISE.

13. Further, if Applicant is granted the registration herein opposed, it would thereby obtain at least a prima facie exclusive right to the use of its mark thereby casting a cloud over Opposer's family of ACE and ACE AMERICAN COUNCIL ON EXERCISE marks. Applicant would also appropriate the considerable goodwill and recognition that Opposer has established through years of exclusive use and marketing. Such registration would be a source of damage and injury to Opposer.

14. Through extensive use and advertising of Opposer's marks, the marks have become famous for Opposer's goods and services since a date prior to the filing date of Applicant's application.

15. Applicant's use and registration of Applicant's mark will dilute the distinctive quality of Opposer's marks within the meaning of Section 43(c) of the Trademark Act, 15 U.S.C. 1125(c) and will lessen the ability of Opposer's marks to distinguish Opposer's goods and services regardless of the category of products or services in connection with which Applicant uses Applicant's mark.

16. Applicant has no license, consent or permission from Opposer to use or register Applicant's mark.

17. Applicant's GEL-ACE mark is also directly within the "zone of expansion" of Opposer's marks. Opposer should be afforded a protective zone of natural market expansion against the use of Applicant's mark on any product or service which at the time of the intervening user's appearance would reasonably be thought by the buying public to come from the same source, or thought to be affiliated with, connected with, or sponsored by, the trademark owner.

WHEREFORE, Opposer prays that the application Serial No. 85/035,659 be rejected, and that registration of the mark therein sought be denied and refused.

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Opposer has hereby appointed David P. Branfman and Mark I. Reichenthal of BRANFMAN LAW GROUP, P.C., 708 Civic Center Drive, Oceanside, CA 92054, members of the bar of the State of California, as agents and attorneys in the matter of the opposition above-identified, to prosecute said opposition, to transact all business in the United States Patent & Trademark Office and in the United States courts in connection with this opposition, to sign his name to all papers which may hereinafter be filed in connection therewith, and to receive all communications relating to the same.

Respectfully submitted,

By: 

David P. Branfman
Mark I. Reichenthal
BRANFMAN LAW GROUP, P.C.
708 Civic Center Drive
Oceanside, CA 92054
Telephone: (760) 637-2400

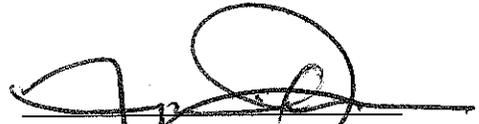
Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Opposition has been served by first-class mail, postage pre-paid, upon the Applicant's Attorney of Record at the following address:

Michael E. Zall
2 Yorkshire Drive
Suffern, NY 10901-7414

Dated: Dec. 8, 2010



April Jernigan

EXHIBIT A

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Word Mark	ACE AMERICAN COUNCIL ON EXERCISE
Goods and Services	IC 016. US 038. G & S: physical fitness training manuals and printed certification materials. FIRST USE: 19910501. FIRST USE IN COMMERCE: 19910501
	IC 025. US 039. G & S: clothing; namely, T-shirts, shorts, sweatshirts, and cover-ups. FIRST USE: 19910501. FIRST USE IN COMMERCE: 19910501
	IC 041. US 100 107. G & S: conducting training and testing services in the field of physical fitness. FIRST USE: 19910501. FIRST USE IN COMMERCE: 19910501
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.11.02 - Plain single line rectangles; Rectangles (single line) 26.11.20 - Rectangles inside one another 26.11.21 - Rectangles that are completely or partially shaded
Serial Number	74365488
Filing Date	March 8, 1993
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	December 27, 1994
Registration Number	1884858
Registration Date	March 21, 1995
Owner	(REGISTRANT) AMERICAN COUNCIL ON EXERCISE CORPORATION CALIFORNIA 4851 PARAMOUNT DRIVE SAN DIEGO CALIFORNIA 92123
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	David P. Branfman
Prior Registrations	1690937
Description of Mark	The stippling in the drawing is for shading purposes only.
Type of Mark	TRADEMARK. SERVICE MARK
Register	PRINCIPAL-2(F)-IN PART
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20050412.

Renewal 1ST RENEWAL 20050412
Live/Dead Indicator LIVE
Distinctiveness Limitation Statement as to "AMERICAN COUNCIL ON EXERCISE"

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EXHIBIT B

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Typed Drawing

Word Mark	ACE
Goods and Services	IC 016. US 038. G & S: physical fitness training manuals and printed exam materials pertaining to physical fitness; namely, combined informational brochures and applications for exams and sample test questions. FIRST USE: 19910405. FIRST USE IN COMMERCE: 19910405 IC 041. US 107. G & S: educational services, namely providing training such as classes and seminars in the field of physical fitness. FIRST USE: 19910715. FIRST USE IN COMMERCE: 19910715
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74397670
Filing Date	June 2, 1993
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	March 21, 1995
Registration Number	1898868
Registration Date	June 13, 1995
Owner	(REGISTRANT) AMERICAN COUNCIL ON EXERCISE CORPORATION CALIFORNIA 4851 PARAMOUNT DRIVE SAN DIEGO CALIFORNIA 92123
Attorney of Record	David P. Branfman
Type of Mark	TRADEMARK. SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20050412.
Renewal	1ST RENEWAL 20050412
Live/Dead Indicator	LIVE

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Typed Drawing

Word Mark	ACE
Goods and Services	IC 025. US 022 039. G & S: Clothing, namely, T-shirts, polo shirts, tank tops, sweat shirts, sweat pants, shorts, jackets, cover-ups and head wear. FIRST USE: 19910501. FIRST USE IN COMMERCE: 19910501
Mark Drawing Code	(1) TYPED DRAWING
Trademark Search Facility Classification Code	LETTER-3-OR-MORE ACE Combination of three or more letters as part of the mark
Serial Number	76530125
Filing Date	July 7, 2003
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	October 9, 2007
Registration Number	3358311
Registration Date	December 25, 2007
Owner	(REGISTRANT) AMERICAN COUNCIL ON EXERCISE NON-PROFIT CORPORATION CALIFORNIA 4851 Paramount Drive San Diego CALIFORNIA 92123
Attorney of Record	DAVID P. BRANFMAN
Prior Registrations	1884858;1898868
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Word Mark	ACE AMERICAN COUNCIL ON EXERCISE
Goods and Services	<p>IC 009. US 021 023 026 036 038. G & S: Pre-recorded audio cassettes and video cassettes in the field of health and fitness. FIRST USE: 20011001. FIRST USE IN COMMERCE: 20011001</p> <p>IC 016. US 002 005 022 023 029 037 038 050. G & S: Printed matter, namely, training manuals, combined informational brochures, loose leaf magazines, exam materials, applications for exams, and sample test questions in the field of health and fitness. FIRST USE: 20011001. FIRST USE IN COMMERCE: 20011001</p> <p>IC 025. US 022 039. G & S: Clothing, namely, t-shirts, polo shirts, tank tops, sweat shirts, sweat pants, shorts, jackets, cover-ups and head wear. FIRST USE: 20011001. FIRST USE IN COMMERCE: 20011001</p> <p>IC 028. US 022 023 038 050. G & S: Sporting goods, namely, exercise stability balls. FIRST USE: 20011001. FIRST USE IN COMMERCE: 20011001</p> <p>IC 035. US 100 101 102. G & S: Providing on-line information in the area of health and fitness, namely, employment placement, job listings, resume posting, recruiting, and career networking services via a global computer network; providing on-line directory information in the area of health and fitness, namely, on-line listings for health clubs and fitness professionals. FIRST USE: 20011001. FIRST USE IN COMMERCE: 20011001</p> <p>IC 041. US 100 101 107. G & S: Educational services, namely, providing training services, classes, seminars, testing and on-line information and news in the field of health and fitness. FIRST USE: 20011001. FIRST USE IN COMMERCE: 20011001</p> <p>IC 042. US 100 101. G & S: Scientific services, namely, research in the field of health and fitness. FIRST USE: 20011001. FIRST USE IN COMMERCE: 20011001</p>
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	76530144
Filing Date	July 7, 2003
Current Filing Basis	1A
Original Filing Basis	1A

Published for Opposition February 14, 2006
Registration Number 3089060
Registration Date May 9, 2006
Owner (REGISTRANT) AMERICAN COUNCIL ON EXERCISE NON-PROFIT CORPORATION CALIFORNIA 4851
Paramount Drive San Diego CALIFORNIA 92123
Attorney of Record DAVID P. BRANFMAN
Prior Registrations 1884858;1898868
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL-2(F)-IN PART
Live/Dead Indicator LIVE
Distinctiveness Limitation Statement as to "AMERICAN COUNCIL ON EXERCISE"

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Typed Drawing

Word Mark	ACE
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Pre-recorded audio cassettes and video cassettes in the field of health and fitness. FIRST USE: 19960905. FIRST USE IN COMMERCE: 19960905 IC 016. US 002 005 022 023 029 037 038 050. G & S: Printed matter, namely, loose leaf magazines in the field of health and fitness. FIRST USE: 19910405. FIRST USE IN COMMERCE: 19910405 IC 028. US 022 023 038 050. G & S: Sporting goods, namely, exercise stability balls. FIRST USE: 20011001. FIRST USE IN COMMERCE: 20011001 IC 035. US 100 101 102. G & S: Providing on-line information in the area of health and fitness, namely, employment placement, job listings, resume posting, recruiting, and career networking services via a global computer network; providing on-line directory information in the area of health and fitness, namely, on-line listings for health clubs and fitness professionals. FIRST USE: 20010701. FIRST USE IN COMMERCE: 20010701 IC 042. US 100 101. G & S: Scientific services, namely, research in the field of health and fitness. FIRST USE: 20010531. FIRST USE IN COMMERCE: 20010531
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76978319
Filing Date	July 7, 2003
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	October 17, 2006
Registration Number	3190832
Registration Date	January 2, 2007
Owner	(REGISTRANT) AMERICAN COUNCIL ON EXERCISE NON-PROFIT CORPORATION CALIFORNIA 4851 Paramount Drive San Diego CALIFORNIA 92123
Attorney of Record	DAVID P. BRANFMAN

Prior Registrations 1884858;1898868
Type of Mark TRADEMARK, SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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EXHIBIT F

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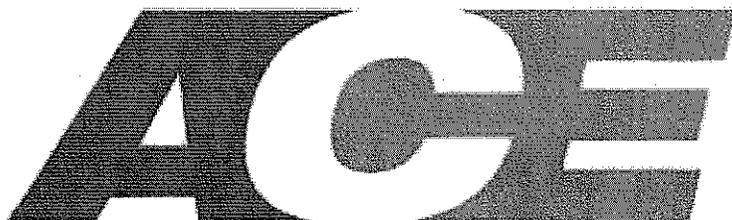
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Word Mark	ACE
Goods and Services	<p>IC 009. US 021 023 026 036 038. G & S: Pre-recorded CDs and DVDs in the field of health and fitness. FIRST USE: 20011001. FIRST USE IN COMMERCE: 20011001</p> <p>IC 016. US 002 005 022 023 029 037 038 050. G & S: Printed matter, namely training manuals, combined informational brochures, loose leaf magazines, exam materials, applications for exams, and sample test questions in the field of health and fitness. FIRST USE: 20011001. FIRST USE IN COMMERCE: 20011001</p> <p>IC 025. US 022 039. G & S: Clothing namely, t-shirts, polo shirts, tank tops, sweat shirts, sweat pants, shorts, jackets, cover-ups and headwear. FIRST USE: 20011001. FIRST USE IN COMMERCE: 20011001</p> <p>IC 035. US 100 101 102. G & S: Providing on-line information in the area of health and fitness, namely, employment placement, job listings, resume posting, recruiting and career networking services via global computer network; providing on-line directory information in the area of health and fitness, namely, on-line listings for health clubs and fitness professionals. FIRST USE: 20011001. FIRST USE IN COMMERCE: 20011001</p> <p>IC 041. US 100 101 107. G & S: Educational services, namely providing training services, classes, seminars, testing and on-line information and news in the field of health and fitness. FIRST USE: 20011001. FIRST USE IN COMMERCE: 20011001</p> <p>IC 042. US 100 101. G & S: Scientific services, namely research in the field of health and fitness. FIRST USE: 20011001. FIRST USE IN COMMERCE: 20011001</p>
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	78928195
Filing Date	July 12, 2006
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	March 6, 2007

Registration Number 3244688
Registration Date May 22, 2007
Owner (REGISTRANT) American Council on Exercise CORPORATION CALIFORNIA 4851 Paramount Drive San Diego CALIFORNIA 92123
Attorney of Record David P. Branfman
Prior Registrations 1898868;2216241;3089060
Description of Mark The color(s) blue, white, and red is/are claimed as a feature of the mark. The mark consists of the letters A, C, and E blended together with the "A" in blue, the "C" in white and the "E" in red.
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
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